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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,023	12/18/2001	Jeremy A. Theil	10010264-1	5823

7590 12/15/2003

AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
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Loveland, CO 80537-0599

EXAMINER

NGUYEN, KHIEM D

ART UNIT	PAPER NUMBER
	2823

DATE MAILED: 12/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/032,023	THEIL ET AL.
	Examiner Khiem D Nguyen	Art Unit 2823

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 08 October 2003.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 18 December 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's arguments filed 10/08/2003 have been fully considered but they are not persuasive.

The Rejection from paper No. 3 sent 07/08/2003 is incorporated in this paper. It is presented here for convenience.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art of this application (AAPA) in view of Lim et al. (U.S. Pub. 2002/0171083).

In re claims 1, 6, 11 and 16, AAPA discloses a method for manufacturing an image sensor comprising (See Background Art on pages 1-4 and **FIG. 1** of this application):

providing a semiconductor substrate (**FIG. 1, 102**);  
style="padding-left: 40px;">forming a pixel control circuitry (**FIG. 1, 104**) on the substrate;  
style="padding-left: 40px;">forming dielectric layers (**FIG. 1, 106**) on the substrate;  
style="padding-left: 40px;">forming interconnects (**FIG. 1, 108**) in the dielectric layers in contact with the pixel control circuitry;

forming pixel electrodes (**FIG. 1, 120, 122**) in contact with the interconnects, the pixel electrodes of a material selected from a group consisting of a conductive semiconductor material and a conductive metal;

forming an intrinsic layer (i-layer) (**FIG. 1, 126**) over the pixel electrodes;

forming a i-layer covering layer over the i-layer of a material selected from a group consisting of a p-doped material (**FIG. 1, 128**), an n-doped material (**FIG. 1, 124', 124''**), and a transparent conductive material; and

forming a transparent contact layer (**FIG. 1, 130**) over the i-layer covering layer and the interconnects, the transparent contact layer of a material selected from a group consisting of a transparent conductive material.

In re claims 3, 8, 13 and 18, **AAPA** disclose forming a pixel covering layer formed into first (**FIG. 1, 124'**) and second (**FIG. 1, 124''**) pixel covering layer portions over the pixel electrodes, the pixel covering layer of a material selected from a group consisting of an n-doped material ad a p-doped material.

In re claims 5, 10, 15 and 20, **AAPA** discloses forming the i-layer covering layer (**FIG. 1, 124', 124'', 128**) wherein the i-layer covering layer is distal from the interconnects; and forming the transparent contact layer (**FIG. 1, 130**) wherein the transparent contact is in contact with the interconnects (**FIG. 1, 132, 108**).

**AAPA** fails to disclose forming a gap in the i-layer between the pixel electrodes as recited in present claims 1-4, 6-9, 11-14 and 16-19.

**Lim** discloses providing a substrate (**FIGS. 5a-g, 100**); forming pixel electrodes (**FIGS. 5a-g, 103**); forming an intrinsic layer (i-layer) (**FIGS. 5a-g, 111**) over the pixel

electrodes such that there is a gap (**FIG. 5a-g, J**) in the i-layer; forming an i-layer covering layer (**FIGS. 5a-g, 125**) over the i-layer; and forming a transparent contact layer over the i-layer covering layer (pages 3-4, paragraphs [0044]-[0051]). Since there are more than one device provided on the substrate and each device having a pixel electrode, the gap as discloses by Lim inherently located in the i-layer between the pixel electrodes, the pixel covering layer portions, and the i-layer covering layer portions. It would have been obvious to one of ordinary skill in the art of making semiconductor devices to combine the teaching of AAPA and Lim to enable the gap in the i-layer between the pixel electrodes of AAPA to be formed and furthermore to obtain a device which has the high picture quality and high definition (page 2, paragraph [0025]).

***Response to Amendment***

***Response to Applicant's Arguments***

Applicant's arguments filed 10/08/2003 have been fully considered but they are not persuasive.

In response to Applicant's argument that the combined references neither teach or suggest the claimed invention, examiner respectfully disagree, it is argue that the Applicant's invention having an intrinsic layer (i-layer) over the pixel electrodes such that there is a gap in the i-layer between the pixel electrodes, however, since the present independent claims included the step of forming an i-layer covering layer over the i-layer, the claimed invention no longer has a gap. Therefore, it is noted that the feature upon which applicants relies (i.e., forming a gap in the i-layer between the pixel electrodes) is not existed in the rejected claim(s). Although the claims are interpreted in light of the

specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Because the claim language does not specifically claims maintaining a gap in the i-layer between the pixel electrodes, the combined references reads on Applicant's claim language.

For these reasons, examiner holds the rejection proper.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

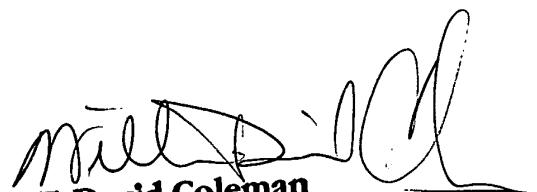
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khiem D Nguyen whose telephone number is (703) 306-0210. The examiner can normally be reached on Monday-Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri can be reached on (703) 306-2794. The fax phone numbers

for the organization where this application or proceeding is assigned are (703) 305-3432 for regular communications and (703) 305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

K.N.  
December 13, 2003



W. David Coleman  
Primary Examiner